

United States district court

Boston, MASS.

L.H. 04-12199-MLW

Richard Lawson (Plaintiff)

Vs.

Suffolk County District Attorney's office
Suffolk superior court case SUCR-2001-10249-1-0/8
Respondants

FILED
Clerk's Office
USDC Mass.
Date 5-11-07
By [Signature] Clerk

Plaintiffs motion for A Temporary restraining Order

A. Introduction

1. The plaintiff seeks a Temporary restraining order against the Suffolk County prosecution scheduled for trial on May 14th 2007 Pending A Double Jeopardy Claims, & Does so pursuant to Fed.R. Civ.P. 65.

B. Parties

2. The plaintiff is A United States citizen and resides At MCI - Cedar Junction At P.O. Box 100, Swalpole, MA 02071.

3. The respondent is The principle Suffolk County prosecutor and a United State citizen employed At 1 Bullfinch pl. Boston, MA, 02210

4. Complaint Facts

5. On 2/16/01 Allegedly the plaintiff Armed carjacked A Ford mustange from an Individual at the dedham mall in Norfolk County and Led Dedham police in a hot & Fresh pursuit into Suffolk County where eventually an Arrest of the plaintiff was made and both counties

pressed charges; (see Attachment-A) & Attachment B-) Indictments SUCR-2001-10249 # 9 Through 18 Dated 2-16-01 & 2-17-01 only. Indictment 1-Through 8 are consolidated Indictments.

6. The plaintiff now claims the 'same conduct ie route of escape, and the ²possession of firearms & ammunition, ³as well as the use of the firearm, Are All double Jeopardy claims that the state court has rejected SJC 09424 Glawson V. Commonwealth 445 MASS. 1019 (2005).

7. The plaintiff was once put in Jeopardy of Life & Limb in Norfolk Superior court on 2/12/03 when Trial began but Ended in a guilty plea on 2/20/03.

8. The plaintiff Avers the same course of conduct ie. the route of escape and All "charges committed during that conduct is barred by Double Jeopardy principles in the Suffolk county prosecution (Attach-B)

9. The plaintiff avers he was put in Jeopardy for possession of A firearm & Ammunition in the Norfolk county Trial and Double Jeopardy principles bar a second prosecution for Identically the same offences & elements Blockburger V. U.S. 284 U.S. 299/52 S.Ct. 180 (1932), Benton V. Maryland 395 U.S. 784/89 S.Ct. 2056 (1969). within the same Sovereignty, meaning that Suffolk county is barred from reprosecutting the plaintiff for the same offense & elements that were already

prosecuted in Norfolk County & in the same
 sovereignty, (see Attachment A Indictments 6 & 7)
 & (Attachment B Indictments 13 & 14,) Both counties
 Arrested the plaintiff & during the Arrest found A
 firearm & charged the plaintiff with possession of A
 firearm. Benton v. Maryland forbade repeated Attempts
 to prosecute an Individual for the same offense.
 As Does the same elements test Announced in
 Blockburger v. U.S. supra. In so much of the
 crimes charging possession of A firearm &
 ammunition, in Suffolk county As A Direct result of
 being Jeopardy bared by the Norfolk county prosecution
 for Identically the same offences.

10. The double Jeopardy Clause of the 5th amendment
 U.S.C.A. protects more than the actual imposition of two
 punishments for the same offense, by Also protecting
 the defendant from being placed twice in jeopardy
 for such punishment, Witte v. U.S. 515 U.S. 389,
 391 \ 115 S.Ct. 2199-2202 (1995).

11. A court must hear & determine a colorable claim
 of double Jeopardy before the trial because "if the
 right to be free from a second trial is not vindicated
 before that trial commences, then the right is no
 right at All, but a cruel Illusion, U.S. v. Casabello-Cruz
 52 F.3d 390 (1st cir 1995).

12. Conclusion

13. For the foregoing reasons the plaintiff should be given a Temporary restraining order against the respondents prosecution pending the resolution of the plaintiff double Jeopardy claims. At A Hearing in U.S. District court.

14. Verification

15. The plaintiff verifies the above facts to be true under penalties of perjury.

Certification of Service

I Richard Glawson hereby certify the foregoing was mailed to A.G. Daniel Connelly At 1 Bollfinch Pl, Boston MA, 0115-4-07.

date 5-4-07

Richard Glawson

Richard Glawson

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